

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW CHOFIELD

Appeal No. 2001-2269
Application 08/680,266

ORDER REMANDING TO EXAMINER

On July 9, 2001, a Reply Brief (Paper No. 26) was filed in response to the Examiner's Answer mailed May 8, 2001 (Paper No. 25). However, there is no indication in the record of whether or not the examiner has considered the Reply Brief. Section 1.193(b)(1) of the Code of Federal Regulations (2000) states:

(b)(1) Appellant may file a reply brief to an examiner's answer within two months from the date of such examiner's answer. . . .

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The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for proper response to the Reply Brief and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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